

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 18 October 2000 (18.10.00)	
International application No. PCT/GB00/00715	Applicant's or agent's file reference P702686PCT/DRC/SAC
International filing date (day/month/year) 28 February 2000 (28.02.00)	Priority date (day/month/year) 26 February 1999 (26.02.99)
Applicant McGILL, Shane, Robert	

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

18 September 2000 (18.09.00)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No.: (41-22) 740.14.35</p>	<p>Authorized officer</p> <p>Olivia TEFY</p> <p>Telephone No.: (41-22) 338.83.38</p>
--	--

P/ NT COOPERATION TREA

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

COWAN, David, Robert
Whiters & Rogers
Goldings House
2 Hays Lane
London SE1 2HW
ROYAUME-UNI

Date of mailing (day/month/year) 18 October 2000 (18.10.00)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference P702686PCT/DRC/SAC	
International application No. PCT/GB00/00715	International filing date (day/month/year) 28 February 2000 (28.02.00)

1. The following indications appeared on record concerning: <input type="checkbox"/> the applicant <input type="checkbox"/> the inventor <input checked="" type="checkbox"/> the agent <input type="checkbox"/> the common representative		
Name and Address COWAN, David, Robert Lewis & Taylor 5 The Quadrant Coventry CV1 2EL United Kingdom	State of Nationality	State of Residence
	Telephone No. 024 7622 2756	
	Facsimile No. 024 7625 6197	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning: <input type="checkbox"/> the person <input type="checkbox"/> the name <input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence		
Name and Address COWAN, David, Robert Whiters & Rogers Goldings House 2 Hays Lane London SE1 2HW United Kingdom	State of Nationality	State of Residence
	Telephone No. 44 1926 336111	
	Facsimile No. 44 1926 335519	
	Teleprinter No.	
3. Further observations, if necessary:		
4. A copy of this notification has been sent to: <input checked="" type="checkbox"/> the receiving Office <input type="checkbox"/> the designated Offices concerned <input type="checkbox"/> the International Searching Authority <input checked="" type="checkbox"/> the elected Offices concerned <input checked="" type="checkbox"/> the International Preliminary Examining Authority <input type="checkbox"/> other:		

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Olivia TEFY Telephone No.: (41-22) 338.83.38
---	---

REC'D 30 MAY 2001

WIPO

PCT

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P702686PCT/DRC/SAC	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB00/00715	International filing date (day/month/year) 28/02/2000	Priority date (day/month/year) 26/02/1999
International Patent Classification (IPC) or national classification and IPC A47J43/044		
Applicant MCGILL TECHNOLOGY LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 18/09/2000	Date of completion of this report 28.05.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656.epmu d Fax: +49 89 2399 - 4465	Authorized officer Novelli, B Telephone No. +49 89 2399 2864 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB00/00715

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-38 as originally filed

Claims, No.:

1-28 as originally filed

Drawings, sheets:

1/37-37/37 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB00/00715

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
☒ not complied with for the following reasons:
see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1,12,25
	No:	Claims	20

Inventive step (IS)	Yes:	Claims	1,12
	No:	Claims	25

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB00/00715

Industrial applicability (IA) Yes: Claims 1-28
 No: Claims

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB00/00715

- 1) The application lacks unity within the meaning of Rule 13.1 PCT. The separate inventions are:

1. Independent claims **1, 12**: food blending container and apparatus comprising such container, wherein the container has a location member upstanding from the base and having an opening at its lower end, a rotatable blending element being locatable within the container and arranged to lie over and be rotatable relative to the location member.
2. Independent claim **25**: food blending apparatus comprising a container, a blending element rotatably located within the container, a housing for the container and microwave energy means associated with the housing.

- 2) Independent apparatus claims **1** and **12** are considered as being allowable.

In this regard document **DE-U-8807534** is considered as being the nearest prior art. This document discloses a food blending container from which the container according to independent claim **1** differs in that it comprises a location member upstanding from the base and having an opening at its lower end, wherein the rotatable blending element is arranged to lie over and be rotatable relative to the location member.

- 3) The subject-matter of independent apparatus claim **25** is considered as being not inventive in view of the combination of the teachings of **GB-A-2230409** and **DE-U-8807534**.
- 4) The subject-matter of independent method claim **20** is considered as being not novel in view of the disclosure of **GB-A-2230409**.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB00/00715

- 5) Independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 6) Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents **DE-U-8807534** and **GB-A-2230409** is not mentioned in the description, nor are these documents identified therein.
- 7) The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

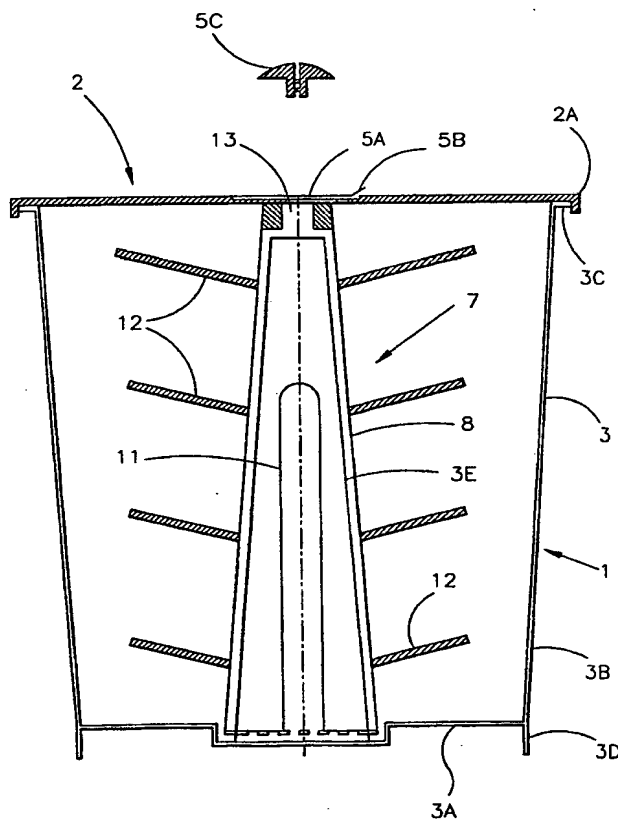
INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁷ : A47J 43/044, 43/07		A1	(11) International Publication Number: WO 00/49930
			(43) International Publication Date: 31 August 2000 (31.08.00)
(21) International Application Number: PCT/GB00/00715		(81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).	
(22) International Filing Date: 28 February 2000 (28.02.00)			
(30) Priority Data: 9904347.3 26 February 1999 (26.02.99) GB 9906650.8 24 March 1999 (24.03.99) GB 9911874.7 22 May 1999 (22.05.99) GB 9917075.5 22 July 1999 (22.07.99) GB 0000297.2 8 January 2000 (08.01.00) GB			
(71) Applicant (for all designated States except US): MCGILL TECHNOLOGY LIMITED [GB/GB]; McGill Technology Building, Endeavour Park, London Road, Addington, West Maling, Kent ME19 5TW (GB).		Published With international search report. Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.	
(72) Inventor; and (75) Inventor/Applicant (for US only): MCGILL, Shane, Robert [GB/GB]; McGill Technology Building, Endeavour Park, London Road, Addington, West Maling, Kent ME19 5TW (GB).			
(74) Agent: COWAN, David, Robert; Lewis & Taylor, 5 The Quadrant, Coventry CV1 2EL (GB).			

(54) Title: FOOD BLENDING APPARATUS

(57) Abstract

A container is provided which is intended to blend food products, especially milkshakes, in a prefilled container (1) taken to the point of consumption at which the product is blended and from which the product is usually consumed, the container being for disposal after use. The container has a base (3A), a location member (3E) which extends upwards from the base and has an opening at its lower end. A rotatable blending element (7) locates within the container over the location member to rotate relative thereto to blend the product. The blending element is driven by an external drive which releasably engages with the upper end of the blending element in use. In some embodiments the food product is delivered frozen to the point of consumption and is heated by microwave radiation prior to blending.



FOR THE PURPOSES OF INFORMATION ONLY

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
AM	Armenia	FI	Finland	LT	Lithuania	SK	Slovakia
AT	Austria	FR	France	LU	Luxembourg	SN	Senegal
AU	Australia	GA	Gabon	LV	Latvia	SZ	Swaziland
AZ	Azerbaijan	GB	United Kingdom	MC	Monaco	TD	Chad
BA	Bosnia and Herzegovina	GE	Georgia	MD	Republic of Moldova	TG	Togo
BB	Barbados	GH	Ghana	MG	Madagascar	TJ	Tajikistan
BE	Belgium	GN	Guinea	MK	The former Yugoslav Republic of Macedonia	TM	Turkmenistan
BF	Burkina Faso	GR	Greece			TR	Turkey
BG	Bulgaria	HU	Hungary	ML	Mali	TT	Trinidad and Tobago
BJ	Benin	IE	Ireland	MN	Mongolia	UA	Ukraine
BR	Brazil	IL	Israel	MR	Mauritania	UG	Uganda
BY	Belarus	IS	Iceland	MW	Malawi	US	United States of America
CA	Canada	IT	Italy	MX	Mexico	UZ	Uzbekistan
CF	Central African Republic	JP	Japan	NE	Niger	VN	Viet Nam
CG	Congo	KE	Kenya	NL	Netherlands	YU	Yugoslavia
CH	Switzerland	KG	Kyrgyzstan	NO	Norway	ZW	Zimbabwe
CI	Côte d'Ivoire	KP	Democratic People's Republic of Korea	NZ	New Zealand		
CM	Cameroon			PL	Poland		
CN	China	KR	Republic of Korea	PT	Portugal		
CU	Cuba	KZ	Kazakhstan	RO	Romania		
CZ	Czech Republic	LC	Saint Lucia	RU	Russian Federation		
DE	Germany	LI	Liechtenstein	SD	Sudan		
DK	Denmark	LK	Sri Lanka	SE	Sweden		
EE	Estonia	LR	Liberia	SG	Singapore		

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference DC/5475W0	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/GB 00/ 00715	International filing date (day/month/year) 28/02/2000	(Earliest) Priority Date (day/month/year) 26/02/1999
Applicant McGILL TECHNOLOGY LIMITED et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1
☐ None of the figures.

INTERNATIONAL SEARCH REPORT

In national Application No

PCT/GB 00/00715

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A47J43/044 A47J43/07

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A47J

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	GB 2 230 409 A (BURTON) 17 October 1990 (1990-10-17)	1-5, 9, 11, 12, 15, 17, 18, 20, 25-27
Y	page 2; figures	7, 10, 21
Y	EP 0 156 506 A (THORN EMI APPLIANCES LTD) 2 October 1985 (1985-10-02) page 3, line 8 - line 31; figure 2	7, 10
Y	EP 0 480 857 A (BLACK) 15 April 1992 (1992-04-15) page 4, line 24 - page 12, line 8; figures 1, 2, 5, 7, 8, 12	21

	-/--	



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

13 June 2000

Date of mailing of the international search report

23/06/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Bodart, P

INTERNATIONAL SEARCH REPORT

Int. Application No

PCT/GB 00/00715

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>DE 88 07 534 U (WANG) 25 August 1988 (1988-08-25) page 5, paragraph 1 -page 7, last paragraph; figures -----</p>	<p>1,3,5,6, 8,9</p>

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 00/00715

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
GB 2230409 A	17-10-1990	NONE	
EP 156506 A	02-10-1985	AT 36230 T DE 3564181 D	15-08-1988 15-09-1988
EP 480857 A	15-04-1992	AT 151551 T AU 9032491 A CA 2053191 A DE 69125564 D IL 99706 A WO 9206600 A US 5522310 A	15-04-1997 20-05-1992 11-04-1992 15-05-1997 31-07-1995 30-04-1992 04-06-1996
DE 8807534 U	25-08-1988	US 4854718 A	08-08-1989